

Managing work health and safety risks in the live adult entertainment industry

Fast Facts for Persons Conducting a Business or Undertaking

This document has been developed in conjunction with the Media, Entertainment and Arts Alliance (MEAA) and the South Australian Stripper Hub (SASH).

As an employer or business owner, you have a legal responsibility under work health and safety legislation to make sure that the workplace is safe and that anybody working in or visiting the workplace is not exposed to hazards or harmed by work.

It is important to recognise that a person conducting a business or undertaking (PCBU) encompasses all types of working relationships which may be outside the scope of a traditional employer/employee relationship. For example, sub-contractors.

Duties and responsibilities

The PCBU has a primary duty of care and must, so far as is reasonably practicable, ensure the health and safety of:

- ♦ workers engaged, or caused to be engaged by the person,
- ♦ workers whose activities in carrying out work are influenced or directed by the person e.g. contractors, and
- ♦ anyone else who may be affected by the work carried out, for example, visitors or patrons of a venue.

A PCBU must provide:

- ♦ a safe working environment including safe work areas
- ♦ adequate facilities and access to those facilities for the health and safety of workers such as work spaces, toilet facilities, break-out rooms, first aid facilities

- ♦ information, supervision, instruction and training necessary to protect a person from health and safety risks which may arise as a result of a workplace
- ♦ a system to identify hazards and to assess and control risks
- ♦ a method of consulting with workers about safe work issues or changes in the workplace.

Common industry hazards

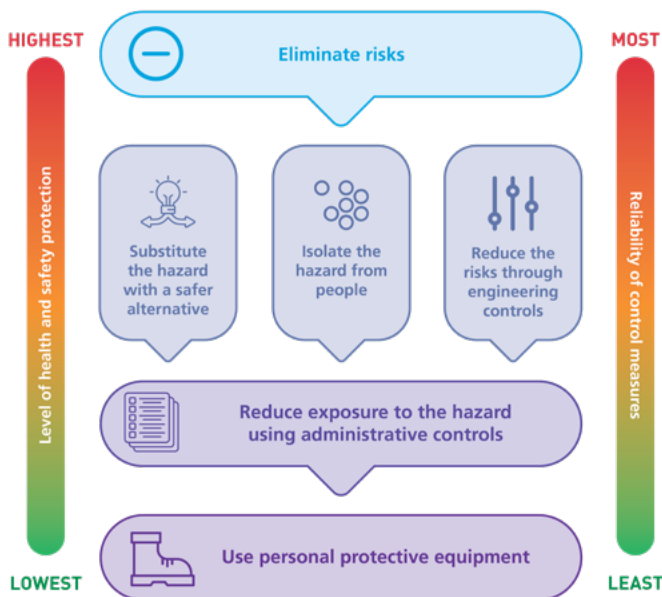
Some common hazards for workers in the live adult entertainment industry include:

- ♦ psychosocial hazards, for example, low job control, unfair job demands including both mental and emotional demands, low reward and recognition, stigma, bullying and sexual harassment
- ♦ personal safety and security when working in private performance rooms and at off-site locations
- ♦ unsafe entry and exit from venues
- ♦ uneven or slippery surfaces which results in slips, trips and falls, including from poles, stages, steps and stairs
- ♦ exposure to hazardous noise levels
- ♦ body stressing (sprains and strains) which may occur from long durations of work which involves strength and range of motion extremes
- ♦ poorly maintained work environment and facilities, for example, the unsafe installation of poles, poorly maintained stages and floors, a lack of adequate change rooms, poor cleanliness, and lack of secure storage for personal belongings
- ♦ violence, aggression and harassment, including from customers and members of the public.

Managing risks - 'hierarchy of control measures'

To manage risks, the PCBU must identify hazards and implement appropriate control measures to control the risks.

When implementing control measures, the PCBU must always aim to eliminate the risk, which is the most effective control. If eliminating the risk is not reasonably practicable, the PCBU must minimise the risk by working through the other alternatives in the hierarchy. This is known as the 'hierarchy of controls'.



Health and safety representatives (HSRs)

Health and safety representatives (HSRs) are workers who are elected to represent the health and safety interests of their work group. Elected HSRs must be trained and PCBUs must allow HSRs to undertake training. HSRs have rights to inspect places where work is carried out, receive work health and safety information, issue provisional improvement notices where they detect a breach of the Work Health and Safety Act 2012 (SA) (WHS Act) and to direct that unsafe work cease.

Duty to notify SafeWork SA of notifiable incidents

SafeWork SA is the regulator of work health and safety in South Australia.

A PCBU has a duty to ensure the regulator (SafeWork SA) is notified immediately after becoming aware that a notifiable incident arising out of the conduct of the business or undertaking has occurred. The notice must be by telephone or in writing (section 38 WHS Act).

A 'notifiable incident' is the death, serious injury or illness of a person or a dangerous incident.

- ◆ See SafeWork SA's website for more information including how to notify the regulator: [Workplace incident notifications | SafeWork SA](#)
- ◆ See 'Safe Work Australia's' Information Sheet – Incident Notification: [Incident notification information sheet | Safe Work Australia](#)

Consulting workers

The PCBU must, so far as is reasonably practicable, consult with workers who are, or are likely to be, affected by a matter relating to work health and safety. Consultation should be genuine and free of repercussions for workers.

Managing the risk of workers being exposed to violence and aggression including sexual harassment

Exposure to violence, aggression and harassment including from supervisors, other workers, customers and members of the public has been identified as a common hazard within live adult entertainment industry workplaces.

A PCBU may receive complaints from workers about a range of workplace issues including:

- ♦ alleged bullying and harassment from managers in the form of unreasonable hours without adequate breaks, inappropriately withholding excessive fees and fining workers
- ♦ being removed from rosters due to a failure to comply with weight requirements
- ♦ exposure to violence
- ♦ sexual harassment from patrons due to intoxication.
- ♦ A PCBU has a primary duty of care to workers and must ensure a safe work environment and safe systems of work.
- ♦ Measures a PCBU could implement in response to manage complaints of this type include:
- ♦ ensuring access to the premises is appropriately controlled
- ♦ managing the expectations of customers and clients by communicating the nature and limits of services the PCBU provides. This could include having a code of conduct for patrons regarding behavioural expectations and the premises right to remove patrons in breach of this code)

- ♦ ensuring internal and external lighting provides good visibility
- ♦ ensuring there are no dangerous objects that could be thrown or used to injure a person
- ♦ increasing security through the use of security personnel, video surveillance or duress alarms
- ♦ providing workers and others with a safe place to retreat
- ♦ ensuring that workers are made aware of their right to cease unsafe work
- ♦ having procedures for reporting concerns and complaints internally within the organisation and to external organisations
- ♦ internal and external options for support
- ♦ procedures for investigating complaints and options for formal and informal resolution
- ♦ physical and mental health support for workers.
- ♦ Poorly maintained work environment and facilities including access and egress issues

A poorly maintained work environment has been identified as a common hazard within the live entertainment industry workplaces.

A PCBU may receive complaints from workers about a range of workplace issues including:

- ♦ unsafe installation of poles
- ♦ poorly maintained stages and floors
- ♦ a lack of adequate change rooms
- ♦ poor cleanliness
- ♦ lack of secure storage for personal belongings
- ♦ aisles, walkways and emergency exits cluttered with equipment, furniture or other objects
- ♦ broken stairs and elevators
- ♦ inadequate lighting.

Measures a PCBU could implement in response to manage complaints of this type include:

- ♦ providing clear access to areas where work occurs, including the stage and private performance rooms
- ♦ providing a well laid out site, with clear and unobstructed routes allowing people to leave quickly when there is an emergency
- ♦ ensuring workers have adequate changeroom facilities and that the facilities are regularly maintained and cleaned
- ♦ providing accessible and secure storage for workers' personal belongings in an area that is not accessible to other workers, customers and members of the public
- ♦ ensure equipment such as stages and poles are well maintained and safe for use.
- ♦ Managing exposure to psychosocial hazards
- ♦ A PCBU may receive complaints from workers about a range of workplace issues including:
 - ♦ alleged bullying and harassment
 - ♦ workers being given little control over shifts, including an employer requiring a worker to work on a quiet night in order for them to be included on the roster for a busier night
 - ♦ workers being removed from a roster because they have failed to comply with body weight requirements

Measures a PCBU could implement to manage complaints of this type include:

- ♦ consulting with workers and adjusting how their work is done to improve their job control
- ♦ clearly outlining key tasks, responsibilities, expectations and engaging with workers about their roles
- ♦ preventing workplace violence and aggression, bullying and harassment and controlling harmful behaviours
- ♦ ensuring workers have regular breaks and enabling workers to be sit down for a reasonable length of time
- ♦ ensuring workers are provided with safe exit from the venue if necessary
- ♦ giving workers the equipment they need to do their work safely such as safe equipment, sufficient lighting and sufficient training
- ♦ avoiding exposing workers to traumatic events where possible
- ♦ providing the opportunity for workers to debrief if they have been exposed to traumatic events
- ♦ having procedures for reporting concerns and complaints internally within the organisation and to external organisations
- ♦ having procedures for investigating complaints and options for formal and informal resolution
- ♦ providing mental health support or referring workers to external organisations and/or resources.

Remote or isolated work

A PCBU may receive complaints from workers about a range of workplace issues including:

- ◆ safety of workers attending a private residence to work
- ◆ safety of workers while accompanying a client to a private performance room.
- ◆ Measures a PCBU could implement to manage complaints of this type include:
 - ◆ a pre-visit assessment and ensuring that all other relevant information has been obtained
 - ◆ if there is a potential risk, arrange for another worker or security personnel to accompany the worker
 - ◆ ensure the worker(s) have a working, charged mobile telephone or other electronic method to obtain assistance, with emergency numbers keyed in to speed dial
 - ◆ installation of appropriate security measures, for example, security cameras and duress alarms
 - ◆ monitoring the location of a worker working off-site, for example, the worker to contact the supervisor or another person at the arrival for a performance and again at the completion of the performance (some venues ask patrons for the patron's ID, such as a driver's licence, to ensure they return to the venue to collect it)
- ◆ procedures and training for workers regarding managing potential risks, for example, training in handling aggressive or inappropriate behaviour by clients
- ◆ procedures and training for workers about how to record and report incidents.

Glossary

Person conducting a business or undertaking (PCBU)

Defined in section 5 of the Work Health and Safety Act 2012 (SA) (WHS Act).

Includes if the person is conducting a business alone or with other people, if it is a partnership, or an unincorporated association. If there is more than one person, each person in the partnership is responsible.

Worker

Defined in section 7 of the Work Health and Safety Act 2012 (SA) (WHS Act).

Includes any person who carries out work in any capacity for a PCBU. This includes an employee, contractor, subcontractor, an employee of a contractor or subcontractor, an employee of a labour hire company who is working in the PCBUs' business, the PCBU if the person is an individual who carries out work in the business.

Workplace

Defined in section 8 of the Work Health and Safety Act 2012 (SA) (WHS Act).

A place where work is carried out for the PCBU and includes any place where a worker goes, or is likely to be, while at work. This includes off-site locations and venues.

Referrals

Work health and safety and long service leave:
contact SafeWork SA –
Telephone: 1300 365 255,
email: help.safework@sa.gov.au

Contractual and employment issues including wages and
working conditions: contact Fair Work Ombudsman –
Telephone: 13 13 94
www.fairwork.gov.au

Discrimination and sexual harassment contact Office of the
Commissioner for Equal Opportunity –
<https://www.equalopportunity.sa.gov.au>
Telephone: (08) 7322 707

Superannuation issues – Australian Taxation Office:
<https://www.ato.gov.au>

Liquor licensing: Consumer and Business Services:
Consumer and Business Services –
<https://www.cbs.sa.gov.au/sections/LGL>
Telephone: 131 882

Industry Group: South Australian Stripper Hub (SASH),
SASH (southaustraliastripperhub.com)
Email: hello.sash@outlook.com

Mental Health Support: Lifeline Australia –
<https://www.lifeline.org.au>
Telephone: 131 114

Domestic violence and sexual assault:

1800RESPECT 1800 737 732
<https://www.1800respect.org.au/>

Yarrow Place 64 Pennington Terrace, North Adelaide South
Australia 5006, 1800 817 421,
<https://www.wchn.sa.gov.au/our-network/yarrow-place>